

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6878

BILL NUMBER: SB 353

NOTE PREPARED: Jan 21, 2004

BILL AMENDED:

SUBJECT: Interstate Compact for Juveniles.

FIRST AUTHOR: Sen. Long

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

- A. It adopts the Interstate Compact for Juveniles.
- B. It creates a National Interstate Commission for Juveniles made up of the compact administrators from states that join the interstate compact.
- C. It delegates to the interstate compact the authority to adopt rules concerning the transfer of juvenile probationers and parolees between states.
- D. It permits the interstate compact to impose fines or seek injunctive relief against the state or a county if the state or the county does not comply with the compact.
- E. It establishes the state council with up to nine members.
- F. It requires a juvenile offender to pay a \$75 application fee to apply for a transfer out of state.
- G. It provides that a juvenile probationer's application fee is paid to a county probation department.
- H. It provides that a probationer's fee is divided between the Indiana Judicial Center and the supervising county.

Effective Date: July 1, 2004.

Explanation of State Expenditures: *Background On the Interstate Compact*—Interstate compacts are formal agreements between two or more states that have the force and effect of statutory law. The Interstate Compact on Juveniles was established in 1955. The Compact provides for the monitoring and/or return of any juvenile who:

- Has run away from home without the consent of a parent or legal guardian;
- Is placed on probation or parole and wants to reside in another state;
- Has absconded from probation or parole or escaped from an institution and is located in another state;
- Requires institutional care and specialized services in another state; and/or

- Has a pending delinquency, neglect, or dependency hearing and runs away to another state.

The compact generally works in the following manner:

- When a local juvenile justice office or authority intends to transfer a juvenile to another state, the local office sends case information and forms to the compact administrator within the state;
- The compact administrator transfers the information to the administrator or designee of the receiving state in which the relocation is to occur;
- The receiving compact administrator then forwards the request and material to the appropriate local agency in the receiving state for investigation;
- The compact administrator sends the information to the compact administrator from the sending state;
- The compact administrator will also assist in resolving disputes between jurisdictions in sending and receiving states.

Juvenile officials who are familiar with the current interstate compact cite several problems with the original compact developed in 1955:

- Over the years, inconsistencies in rules, practices, and information exchanged between states have developed;
- Information about juveniles is not exchanged between juvenile authorities in a timely manner;
- No enforcement mechanisms in original compact exist to promote timely sharing of relevant information.

As a result, there has been an effort by the Council of State Governments and the Office of Juvenile Justice Delinquency Prevention to develop a new juvenile compact to standardize the type of information shared, reduce the time it takes for information to be transmitted, and improve the supervision that is given to juveniles who are involved in the juvenile justice system.

This bill would add the model Interstate Compact law that has recently been developed into Indiana's statute. It would designate that the Indiana Judicial Center would be responsible for juveniles on probation and other administrative functions related to operating the Interstate Compact in Indiana. Finally, it would assign the Department of Correction with the responsibility of monitoring juveniles on parole. This bill impacts both the Indiana Judicial Center and the Department of Correction.

How the Compact Works in Indiana – In Indiana, supervision of juveniles on parole and probation is split between the Indiana Judicial Center and the Department of Correction. The Indiana Judicial Center oversees the transfer of juveniles on probation and runaways into and out of Indiana, while the Department of Correction supervises juveniles on parole.

Impact on State Agencies – The new compact provides stricter guidelines and added enforcement mechanisms requiring the Indiana Judicial Center, the Department of Correction, and the county probation offices to meet specific time frames, complete more extensive reports, and provide greater levels of supervision for juveniles in interstate situations to avoid penalties that the compact staff could authorize. Because of this, the new compact will add demands on both state and local compact staff.

This bill would add a series of costs that will be incurred by the Indiana Judicial Center.

Added Dues of \$22,000 -- The Interstate Commission for Juveniles would increase the costs of administration by adding staff for monitoring and enforcing compliance with the Compact. To pay for these additional costs, each state would pay more in dues, either as an average flat amount or based on the number of juvenile cases

that go through the state. Indiana currently pays \$400 to belong to the Interstate Compact. With the new compact, the dues would be \$22,000.

More Demands on Staff (Estimated added costs of \$44,000) -- Staff in the Indiana Judicial Center are responsible for preparing the reports that are sent to other states when a juvenile on probation transfers out of state or receives notices of juveniles being transferred in state and sends these to the probation department in the county to which the juvenile is being transferred. Depending on the rules adopted by the Commission, new juvenile cases may be added, such as juveniles who are diverted from juvenile court and are assigned to an informal adjustment program.

The Judicial Center anticipates needing an additional PAT I position to accommodate the added administrative responsibilities associated with new reporting requirements, added juveniles on probation, and shortened deadlines for reporting information to respective agencies in other states. The estimated costs that the Judicial Center would incur would be roughly \$44,000.

Estimated Personnel Costs				
<u>Job Class</u>	<u>Number of Employees</u>	<u>Salary</u>	<u>FY 2004</u>	<u>FY 2005</u>
PAT I	1.0	34,557	34,557	35,939
Total Fringe			6,267	6,267
Total Indirect			3,000	1,500
Grand Total			\$43,824	\$43,706

The funds and resources required above could be supplied through a variety of sources, including the following: (1) existing staff and resources not currently being used to capacity; (2) existing staff and resources currently being used in another program; (3) authorized, but vacant, staff positions, including those positions that would need to be reclassified; (4) funds that, otherwise, would be reverted; or (5) new appropriations. **(Note: The Judicial Center would receive 50% of all \$75 application fees by juveniles on probation wishing to be transferred out of state under the Interstate Compact. See *Explanation of State Revenues*.)** Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend upon legislative and administrative actions.

Added Costs Specified By the Interstate Compact: The Interstate Commission for Juveniles would have the power to impose uniform standards for the reporting, collecting, and exchanging of data. Judicial Center staff indicate that this might require the Judicial Center to purchase additional computer equipment and software to conform to these uniform rules. These added costs are currently unknown and will depend on the standards adopted by the Interstate Compact. If the Interstate Commission determines that any compacting state defaulted in the performance of its obligations or responsibilities under this compact, the Interstate Commission may impose any or all of these penalties:

- Remedial training.
- Alternative dispute resolution.
- Fines, fees and costs levied upon the county responsible for the default or upon the state in amounts considered to be reasonable.

Costs of Council Meetings: The State Council for Interstate Juvenile Offender Supervision is either an eight- or nine-member board consisting of at least one member of the legislative, judiciary, and executive branches, a member of a victims group, the Interstate Compact administrator, the deputy compact administrator, or

designee. The Judicial Center would be responsible for paying the costs associated with the Council.

Impact on the Department of Correction: The Department of Correction currently monitors juveniles on parole who transfer in and out of Indiana. Their responsibilities would also increase if they need to compile additional reports in a shorter period of time. *The costs to the Department of Correction will be minimal.*

Explanation of State Revenues: New Fees – An application fee of \$75 would be assessed on juveniles who are on probation or parole and wish to transfer out of state. A juvenile who is on probation pays the county probation department who splits the proceeds with the Indiana Judicial Center. Juveniles on parole pay the Department of Correction, and the Department of Correction keeps the proceeds.

Estimated Revenue from Juveniles on Probation -- The Judicial Center would receive 50% of the application fee, and the county from which the juvenile would be transferring would receive the other half. If half of the juveniles who transferred out in FY 2003 ($145 \times 50\% = 73$) paid the application fee, the Judicial Center would receive \$2,737 (73 juveniles paying $\$75 \times 50\%$). Fees are difficult to collect from juveniles particularly runaways, consequently, the revenue generated from this fee is likely to be limited.

The following represents the number of juveniles on probation who have either left Indiana or moved into Indiana and were monitored under the Interstate Compact.

Interstate Compact Cases Juveniles on Probation						
FY	1998	1999	2000	2001	2002	2003
Entering Indiana	132	145	172	159	130	145
Leaving Indiana	177	134	178	175	194	147

As a special category, 128 juveniles were processed as runaways in 2003 and not included in the previous table. These juveniles are not included in this group because they are not technically on probation.

Estimated Revenue from Juveniles on Parole: The Department of Correction would receive the entire \$75 application fee from juveniles on parole. DOC reports the following number of juveniles on parole who have left Indiana in FY 2002 and FY 2003.

	FY 2002 and 2003
Juveniles on Parole Leaving Indiana	145

The estimated revenue that DOC would receive is \$2,737 (73 juveniles \times 50%, assuming half pay, \times \$75). (Note: Revenues are difficult to collect from juveniles.)

Explanation of Local Expenditures: This bill could increase the work for probation officers or other court-appointed staff and for the costs of juvenile detention.

Staff Responsibilities – Juvenile probation staff would be required to perform, in a more timely manner, more extensive home studies of the families to whom a juvenile may be transferred from another state and may need to provide more supervision while a juvenile is being transported from one state to another.

Detention of Out-of-State Juvenile Delinquents and Runaways – The costs of detaining out-of-state runaways

would be up to five days for voluntary returnees or up to 90 days for those nonvoluntary returnees that require local court intervention (the requisition process). The requisition process adds to county detention costs as well as increased juvenile medical/psychological healthcare expenses and increased expense and time for local court staff employees.

Runaways can be kept in shelter care facilities or other nonsecure out-of-home placement on a first offense and in juvenile detention facilities and other secure facilities on a subsequent offense. Juvenile delinquents can be kept in either shelter care facilities or juvenile detention facilities.

Added Monitoring – The new interstate compact will increase the number of juveniles who will be subject to being monitored if they are transferred between states. As an example, runaways would be more closely monitored while awaiting transferring airline transportation en route to home states.

Explanation of Local Revenues: New Fees – See *Explanation of State Revenues*. Local probation departments receive 50% of the \$75 application fee that would be charged to juveniles wishing to transfer to another state in the Interstate Compact. The Indiana Judicial Center would receive the other half. The added revenue for all counties is estimated to be \$2,737 if half of all juveniles pay the application fee. This money would be deposited in the county’s supplemental juvenile probation services fund.

State Agencies Affected: Indiana Judicial Center, Department of Correction.

Local Agencies Affected: Probation Offices.

Information Sources: Indiana Judicial Center; Department of Correction; “Perspectives from the Field on the Interstate Compact on Juveniles”, June 2000, U.S. Department of Justice; Council of State Governments, “The Interstate Compact for Juveniles, Background” .

Fiscal Analyst: Mark Goodpaster, 317-232-9852.